

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6

7 **DAVID NATHANIEL ROBERTS,**

8 **Plaintiff,**

9 **v.**

10 **FNU RICHER; FNU PRECIADO; FNU**
11 **CALVINO,**

12 **Defendant.**

CASE NO. 1:21-cv-00714-AWI-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND
DISMISSING COMPLAINT

(Doc. No. 12)

13
14
15 Plaintiff David Nathaniel Roberts proceeds pro se with a civil rights complaint under 42
16 U.S.C. § 1983. Doc. No. 1. The matter was assigned to a United States magistrate judge pursuant
17 to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

18 On May 13, 2021, the assigned magistrate judge issued findings and recommendations,
19 determining that an earlier order granting Plaintiff's motion to proceed in forma pauperis should
20 have been denied due to Plaintiff's three-strike status. Doc. No. 12 at 2–6. The magistrate judge
21 further determined that Plaintiff did not satisfy the imminent danger of serious physical harm
22 exception. Id. at 5–6. The findings and recommendations, which were served on Plaintiff,
23 contained notice that any objections were to be filed within thirty days and that Plaintiff's failure
24 to pay the full filing fee by the thirty-day objection deadline would cause the case to be dismissed
25 without prejudice. Id. at 6. Plaintiff has not filed objections and the time to do so has passed.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
27 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that
28 the findings and recommendations are supported by the record and by proper analysis.

1
2 **ORDER**

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (Doc. No. 12) that were issued on May 13,
5 2021, is ADOPTED in full;
6 2. Plaintiff's complaint (Doc. No. 1) is DISMISSED without prejudice;
7 3. The Clerk of Court shall TERMINATE any pending motions and CLOSE this case.
8

9
10 IT IS SO ORDERED.

11 Dated: July 6, 2021



12 SENIOR DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28